

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

CAMBRIDGE RETIREMENT SYSTEM, on behalf of itself and all others similarly situated,	)	CASE NO. 1:13-cv-1165
	)	
	)	JUDGE CHRISTOPHER A. BOYKO
	)	
Plaintiff,	)	
	)	<b>DEFENDANTS' MOTION AND</b>
v.	)	<b>[PROPOSED] ORDER TO ADJOURN</b>
	)	<b>THE CASE MANAGEMENT</b>
INVACARE CORPORATION, <i>et al.</i> ,	)	<b>CONFERENCE</b>
	)	
Defendants.	)	

Defendants, Invacare Corporation, Gerald B. Blouch, A. Malachi Mixon, III, and Robert K. Gudbranson (collectively, "Defendants"), respectfully submit this motion to adjourn the case management conference currently scheduled for September 6, 2013, at 11:00 a.m. until at least thirty (30) days following the appointment of lead plaintiff. A proposed order is attached hereto as Exhibit A.

On May 24, 2013, a class action Complaint For Violation Of The Federal Securities Laws was filed by Plaintiff Cambridge Retirement System's ("Cambridge") behalf by Climaco, Wilcox, Peca, Tarantino & Garofoli of Cleveland, and by Bernstein Litowitz Berger & Grossmann of New York and San Diego against Defendants in this Court (the "Complaint") [ECF No. 1]. On July 23, 2013, a Motion was filed by the Government of Guam Retirement Fund ("Guam") for Appointment as Lead Plaintiff [ECF No. 8] ("Motion for Appointment as Lead Plaintiff"). The Motion also seeks the approval of Lead Counsel, namely Bernstein Litowitz Berger & Grossmann. The Motion was submitted, on behalf of the Proposed Lead

Plaintiff, by Climaco, Wilcox, Peca, Tarantino & Garofoli and Bernstein Litowitz Berger & Grossmann.

On August 28, 2013, the Court issued a Show Cause Order, ordering Bernstein Litowitz Berger & Grossmann and Climaco, Wilcox, Peca, Tarantino & Garofoli to show cause, in writing, by noon on Thursday, September 5, 2013, as to whether or not a conflict of interest exists due to counsel's representation of both the named Plaintiff, Cambridge, and the proposed Lead Plaintiff, Guam [ECF No. 8] and, based upon the Show Cause Order, an order denying the Parties' Joint Motion to Adjourn [ECF No. 16] subject to re-filing.

Pursuant to the Notice of Case Management Conference issued by the Court on July 30, 2013 [ECF No. 10] ("Notice of CMC"), a case management conference has been set for September 6, 2013, at 11:00 a.m., and the Parties are required, among other things, to meet prior to the scheduled conference "to discuss the case and prepare a proposed discovery plan pursuant to Fed. R. Civ. P. 26(f)." In light of the pending Motion for Appointment as Lead Plaintiff and the Show Cause Order issued by the Court today, it appears impossible to comply with the "meet and confer" requirement set forth in the Notice of CMC and Fed. R. Civ. P. 26(f), given that Defendants have no lead plaintiff to meet and confer with. As a result, Defendants respectfully request that the case management conference currently scheduled for September 6, 2013, at 11:00 a.m. be adjourned until at least thirty (30) days following the appointment of lead plaintiff.

Respectfully Submitted,

/s/ Fritz E. Berckmueller

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*Gerald B. Blouch, A. Malachi Mixon, III, and*

*Robert K. Gudbranson*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was filed electronically on August 28, 2013.  
Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ Fritz E. Berckmueller

One of the Attorneys for Defendants, Invacare  
Corporation, Gerald B. Blouch, A. Malachi Mixon,  
III, and Robert K. Gudbranson